

Appendix A: Wildlife Resources

References and consultation



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

April 26, 2021

Consultation Code: 05E2CB00-2021-SLI-1213

Event Code: 05E2CB00-2021-E-02935

Project Name: Proposed Visitor Cottage at SERC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-1213

Event Code: 05E2CB00-2021-E-02935

Project Name: Proposed Visitor Cottage at SERC

Project Type: DEVELOPMENT

Project Description: NSF is considering funding of a proposal from the Smithsonian Environmental Research Center, in Edgewater, MD, to construct a visiting scientists' cottage (1,200 square feet, 2 stories) at the existing campus. Construction is scheduled to begin in 2021.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.8889952,-76.55231060192308,14z>



Counties: Anne Arundel County, Maryland

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
<ul style="list-style-type: none"> Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key 	
Species profile: https://ecos.fws.gov/ecp/species/9045	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1C](#)

FRESHWATER POND

- [PUBHx](#)
-



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In Reply Refer To:

July 07, 2021

Consultation code: 05E2CB00-2021-TA-1213

Event Code: 05E2CB00-2021-E-04082

Project Name: Proposed Visitor Cottage at SERC

Subject: Verification letter for the 'Proposed Visitor Cottage at SERC' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Kristen Hamilton:

The U.S. Fish and Wildlife Service (Service) received on July 07, 2021 your effects determination for the 'Proposed Visitor Cottage at SERC' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Proposed Visitor Cottage at SERC

2. Description

The following description was provided for the project 'Proposed Visitor Cottage at SERC':

NSF is considering funding of a proposal from the Smithsonian Environmental Research Center, in Edgewater, MD, to construct a visiting scientists' cottage (1,200 square feet, 2 stories) at the existing campus. Construction is scheduled to begin in 2021.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.8889952,-76.55231060192308,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
 7. Will the action involve Tree Removal?
Yes
-

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

Subject: [EXTERNAL] - Re: Environmental review request

Date: Wednesday, June 30, 2021 at 11:41:51 AM Eastern Daylight Time

From: Lori Byrne -DNR-

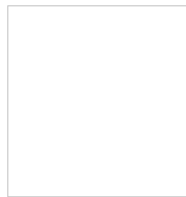
To: Hamilton, Kristen

This email originated from outside of the National Science Foundation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Hamilton,

The Wildlife and Heritage Service is not aware of any northern long-eared bat hibernaculum or occupied maternity roost trees, in the area of this project site. I can also screen for other possible (state-listed) rare species and protected habitats, but that will take more time. Thanks.

Lori Byrne



dnr.maryland.gov

Lori A. Byrne
Environmental Review Coordinator
Wildlife and Heritage Service
Department of Natural Resources
580 Taylor Avenue, E-1
Annapolis, MD 21401
[410-260-8573](tel:410-260-8573) (office)
[410-260-8596](tel:410-260-8596) (FAX)
lori.byrne@maryland.gov

On Wed, Jun 2, 2021 at 11:24 AM Hamilton, Kristen <KRIHAMIL@nsf.gov> wrote:

Good morning, Ms. Byrne,

I am conducting a review of a proposal to my agency, the National Science Foundation, for a new visiting scientists cottage that would be located on the campus of the Smithsonian Environmental Research Center, located at 647 Contees Wharf Road in Edgewater, MD 21037-0028. The vicinity map and screen shot of google map are attached (depicting the approximate location at 38.889003, -76.552052)- note that SERC is intending to construct six cottages, and is seeking federal funding from NSF for one of them. The proposed cottages would be located near other existing buildings; the project vicinity consists of a sloped grassy area and early succession hardwood forest. The project would remove some trees, which would be replaced by landscaping and planting to promote and tie into the existing stormwater management area.

I am particularly interested in understanding if this location may be within .25 miles of a known northern long-eared bat hibernaculum or within 150 feet from a known, occupied maternity roost tree, as we comply with the 4(d) rule for the protection of this federally threatened species. In addition, I welcome any additional considerations you may have for a small building in this location.

Thank you,

Kristen

Kristen Hamilton

Environmental Compliance Officer

Office of the General Counsel

National Science Foundation

2415 Eisenhower Avenue

Alexandria, VA 22314

(703)292-4820

krihamil@nsf.gov



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Acting Deputy Secretary

August 3, 2021

Ms. Kristen Hamilton
National Science Foundation
2415 Eisenhower Avenue
Alexandria, VA 22314

RE: Environmental Review for Visiting Scientists Cottage, Campus of Smithsonian Environmental Research Center, 647 Contees Wharf Road, Edgewater, Anne Arundel County, Maryland.

Dear Ms. Hamilton:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. We would like to point out, however, that our remote analysis suggests that the forested area on this property contains Forest Interior Dwelling Bird habitat. Populations of many bird species which depend on this type of forested habitat are declining in Maryland and throughout the eastern United States. Interested landowners can contact us for further voluntary guidelines to help conserve this important habitat.

Please be sure to let us know if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2021.0928.aa

Appendix B: Cultural Resources

State Historic Preservation Office form



PROJECT REVIEW FORM

Request for Comments from the Maryland Historical Trust/
MDSHPO on State and Federal Undertakings

MHT USE ONLY

Date Received:

5/25/21 F/SMT

Log Number:

DLH 20210147

Project Name

SERC Visiting Scientist Cottages

County

Anne Arundel

Primary Contact:

Contact Name

James G. Gibb

Company/Agency

Smithsonian Environmental Research Ctr

Mailing Address

647 Contee's Wharf Road

City

Edgewater

State

MD

Zip

21037

Email

JamesGGibb@verizon.net

Phone Number

410.693.38

Ext.

Project Location:

Address

647 Contee's Wharf Road

City/Vicinity

Edgewater/SERC campus

Coordinates (if known): Latitude

38.889

Longitude

-76.553

Waterway

Rhode River

Project Description:

List federal and state sources of funding, permits, or other assistance (e.g. Bond Bill Loan of 2013, Chapter #; HUD/CDBG; MDE/COE permit; etc.).

Agency Type

Federal

Agency/Program/Permit Name

National Science Foundation

Project/Permit/Tracking Number (if applicable)

Proposal # DBI- 2039743

This project includes (check all applicable):



New Construction



Demolition



Remodeling/Rehabilitation

☐ State or Federal Rehabilitation Tax Credits



Excavation/Ground Disturbance



Shoreline/Waterways/Wetlands

Other\Additional Description: Construction of cottage on hill above dormitory

Known Historic Properties:

This project involves properties (check all applicable): ☐ Listed in the National Register ☐ Subject to an easement held by MHT

☐ Included in the Maryland Inventory of Historic Properties ☐ Designated historic by a local government

☐ Previously subject to archeological investigations

Property\District\Report Name

Attachments:

All attachments are required. Incomplete submittals may result in delays or be returned without comment.

☒ Aerial photograph or USGS Quad Map section with location and boundaries of project clearly marked.

☒ Project Description, Scope of Work, Site Plan, and/or Construction Drawings.

☒ Photographs (print or digital) showing the project site including images of all buildings and structures.

☒ Description of past and present land uses in project area (wooded, mined, developed, agricultural uses, etc).

MHT Determination:

☐ There are **NO HISTORIC PROPERTIES** in the area of potential effect

☐ The project will have **NO ADVERSE EFFECT WITH CONDITIONS**

☒ The project will have **NO EFFECT** on historic properties

☐ The project will have **ADVERSE EFFECTS** on historic properties

☐ The project will have **NO ADVERSE EFFECT** on historic properties

☐ **MHT REQUESTS ADDITIONAL INFORMATION**

MHT Reviewer:

Date:

6/4/2021

Submit printed copy of form and all attachments by mail to: Beth Cole, MHT, 100 Community Place, Crownsville, MD 21032

Revised 6/21/2013